

BODELL, BOVE, GRACE & VAN HORN

By: Joseph F. Van Horn, Jr. Esquire
Holly L. McReynolds, Esquire

Identification No. 10133/76416
One Penn Square West, Suite 600
30 South 15th Street
Philadelphia, PA 19102
(215) 864-6600

Fernando & Kathleen Tellado, h/w

Plaintiff

v.

Austin Hunt Corp., et al.

Defendants

JURY OF TWELVE DEMANDED

Attorneys for Defendant,
Austin Hunt Corp.

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

APRIL TERM, 2004

No. 1459

PRAECIPE TO TRANSFER CASE TO FEDERAL COURT

TO THE PROTHONOTARY:

Attached please find a certified copy of the Notice of Removal, the original of which has been filed in the United States District Court for the Eastern District of Pennsylvania, divesting this court of further jurisdiction to adjudicate the claims in the present matter.

Respectfully submitted,

BODELL, BOVE, GRACE & VAN HORN

By: _____
Holly L. McReynolds, Esquire
Attorney for Defendant,
Austin-Hunt Corporation

Date:

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Fernando & Kathleen Tellado, h/w	:	
	:	
	:	CIVIL ACTION
<i>Plaintiff</i>	:	
v.	:	
	:	NO.:
	:	
Austin Hunt Corp., et al.	:	
	:	
<i>Defendants</i>	:	
	:	

NOTICE OF REMOVAL

TO THE JUDGES OF THE COURT:

Defendant, Austin-Hunt Corporation, by and through its counsel, Bodell, Bove, Grace & Van Horn, hereby files this Notice of Removal pursuant to 28 U.S.C. § 1446(a), and respectfully submits as follows:

I. STATEMENT OF FACTS ENTITLING DEFENDANT TO REMOVE ON THE BASIS OF DIVERSITY OF CITIZENSHIP

1. On or about April 14, 2004, Plaintiff, Fernando Tellado, served a Civil Action Complaint upon the Defendant, Austin-Hunt Corporation in the Court of Common Pleas of Philadelphia County captioned under April Term, 2004, No. 1459. A true and correct copy of the Complaint filed by Plaintiff on April 12, 2004 is attached hereto and marked Exhibit "A".

2. The above described action is one in which the court has original jurisdiction under the provisions of Title 28 U.S.C. § 1332 and is one which may be removed to this court by the defendants pursuant to the provision of Title 28 U.S.C. § 1441. It is a civil action wherein the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of different states:

(a) Plaintiff is a citizen of the Commonwealth of Pennsylvania and resides at 15 Old Brook Road, Levittown, Pennsylvania 19057;

(b) Defendant is an Ohio corporation which maintains its principle place of business at 21721 Tungsten Road, Euclid, Ohio 44117;

(c) None of the Co-Defendants named in this action are Pennsylvania Corporations. In addition, none of the Co-Defendants have principle places of business in the Commonwealth of Pennsylvania.

3. Copies of all process, pleadings, and orders which have been received by Defendant are filed herewith.

4. This Notice is timely, it being filed within thirty days of the receipt by Petitioner of a copy of the Complaint - Civil Action setting forth the claims for relief upon which the action is based.

WHEREFORE, Defendant prays that the above action, pending against them in the Court of Common Pleas of Philadelphia County be removed to this Honorable Court.

Respectfully submitted,

BODELL, BOVE, GRACE & VAN HORN

By: _____
Joseph F. Van Horn, Jr., Esquire
Holly L. McReynolds, Esquire
Identification No. 10133/76416
Bodell Bove, Grace & Van Horn
30 South 15th Street, 6th Floor
Philadelphia, PA 19102
(215) 864-6600
Attorney for Defendant,
Austin-Hunt Corporation

Date:

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Fernando & Kathleen Tellado, h/w	:	
	:	CIVIL ACTION
<i>Plaintiff</i>	:	
v.	:	NO.:
	:	
Austin Hunt Corp., et al.	:	
	:	
<i>Defendants</i>	:	
	:	

CERTIFICATE OF SERVICE

I, Holly L. McReynolds, Esquire, attorney for defendants, hereby certify that I caused a true and correct copy of the foregoing pleading to be served upon the individuals listed below via United States Mail, first class, postage pre-paid as follows:

Eric Vogel, Esquire
Wapner, Newman, Wigrizer & Brecher
115 S. 21st Street
Philadelphia, PA 19103

BODELL, BOVE, GRACE & VAN HORN

By: _____
Joseph F. Van Horn, Jr., Esquire
Holly L. McReynolds, Esquire
Identification No. 10133/76416
Bodell Bove, Grace & Van Horn
30 South 15th Street, 6th Floor
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(215) 864-6600
Attorney for Defendant,
Austin-Hunt Corporation

Date: